

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:16-CR-00290-01-DGK
)	
JEFFREY T. ARZOLA,)	
)	
Defendant.)	

ORDER DENYING DEFENDANT’S MOTION TO SUPPRESS

Pending before the Court is Defendant’s Motion to Suppress (Doc. 27), the Government’s opposition (Doc. 30), United States Magistrate Judge Robert E. Larsen’s Report and Recommendation (Doc. 37), Defendant’s Objections to the Report and Recommendation (Doc. 43), and the Government’s response (Doc. 46).

After carefully reviewing the Magistrate’s report and conducting an independent review of the record and applicable law, the Court hereby ORDERS that Magistrate Judge Larsen’s Report and Recommendation be ADOPTED. The Court finds Judge Larsen’s findings of facts in paragraphs 14 through 16 are supported by the record. Additionally, Judge Larsen’s legal conclusions that: (1) the search of the garage was a protected sweep; (2) the seizure of the backpack was justified under the plain view doctrine; and (3) the officers had reasonable suspicion to detain and frisk Defendant; are consistent with Eighth Circuit law.

Accordingly, Defendant’s Motion to Suppress (Doc. 27) is DENIED.

IT IS SO ORDERED.

Date: October 25, 2017

/s/ Greg Kays
GREG KAYS, CHIEF JUDGE
UNITED STATES DISTRICT COURT